

### **REMARKS/ARGUMENTS**

Applicant and the undersigned thank Examiner Tran for a careful review of this application. Reconsideration of the present application is respectfully requested in light of the above amendments to the claims, and in view of the following remarks.

#### **Status of the Claims**

After entry of the foregoing amendments, Claims 1, 3-4, 6-10, 12-13, 15-18, 20-31, 33-40, 42, and 57-79 are pending in the present application. Claims 1, 13, 21, 31, 57, 63 and 72 are the independent claims. In response to the restriction requirement imposed by the Examiner, Applicant has canceled Claims 43-56 without prejudice to or disclaimer of the subject matter recited therein. Claims 57-79 have been newly added. No new matter has been added by way of the above amendments.

#### **Summary of the Office Action**

In the Office Action dated April 6, 2005, Claims 13, 15-18, 20, 31, 33-40, and 42 were allowed. In addition, Claims 1, 3-4, 6-10, 12, 21-23, and 26-29 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over, U.S. Patent Application No. 2004/0192227 to *Beach et al.* ("*Beach*"). Claims 24 and 25 were also rejected under 35 U.S.C. § 103(a) as allegedly being obvious over *Beach*. Claim 30 was objected to as being dependent upon a rejected base claim. Applicant addresses the Examiner's rejections and objections below.

### **Claim Objections**

The Examiner objected to Claim 30 for being dependent upon a rejected base claim and indicated that that claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 30 depends from Claim 29, which itself depends from independent Claim 21. Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter. However, Applicant respectfully submits that independent Claim 21, as amended, and dependent Claim 29 are allowable over the prior art of record for at least the reasons discussed below. As such, Applicant requests withdrawal of the objection to Claim 30 and the timely allowance of that claim.

The Examiner objected to Claims 6-10 under 37 CFR 1.175(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner stated that "it is not clear how the 'support tube' works with claim 1." On May 5, 2004, Applicant filed a Preliminary Amendment, which included an amendment to independent Claim 1. Based upon that preliminary amendment, Applicant respectfully submits that the Examiner's objections to Claims 6-10 are moot. As such, Applicant requests withdrawal of the objections to, and the timely allowance of, Claims 6-10.

The Examiner objected to Claims 4 and 13 for informalities. Regarding Claim 4, the Examiner states that, in line 1, "wherein the support tube" should be changed to "further comprising a support tube." Again, in light of the Preliminary Amendment filed on May 5, 2004, Applicant respectfully submits that the Examiner's objection to Claim 4 is moot and requests the timely allowance of that claim. Regarding Claim 13, the

Examiner stated that, in line 7, “a” (fluorescent lamp) should be changed to “the.” Applicant has made that correction to Claim 13. Accordingly, Applicant requests the timely allowance of Claim 13.

### **Claim Rejections**

The Examiner rejected Claims 1, 3-4, 6-10, 12, 21-23, and 26-29 under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over, *Beach*. The Examiner also rejected Claims 24 and 25 under 35 U.S.C. § 103(a) as allegedly being obvious over *Beach*. Applicant respectfully traverses these rejections.

### **Independent Claim 1**

Regarding independent Claim 1, Applicant respectfully submits that the Examiner’s arguments are inapposite. On May 5, 2004, Applicant filed a Preliminary Amendment, which included an amendment to independent Claim 1. Applicant submits that the Examiner’s rejection of Claim 1 fails to consider that Preliminary Amendment.

As preliminarily amended, independent Claim 1 requires a housing containing the wireless network component and including a recess channel for receiving a fluorescent lamp and a support tube configured to be removably attached to at least a portion of the housing. In allowing independent Claims 13 and 31, the Examiner stated, “[T]he references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in the claims: the housing including a recess channel for receiving the fluorescent tube and a support tube configured to be removably attached to at least a portion of the housing.” Therefore, Applicant believes that independent Claim 1 is also patentable over the prior art of record for the same reason cited by the Examiner with

respect to Claims 13 and 31. Removal of the outstanding rejection and allowance of independent Claim 1 is respectfully requested.

Independent Claim 21

In response to the Examiner's arguments regarding independent Claim 21, Applicant has amended that claim to specify that "the one or more power coupling pin and the one or more fluorescent lamp pin connector [of the housing] are offset relative to each other such that, when the fluorescent lamp is installed between the one or more fluorescent lamp pin connector and a second receptacle of the fluorescent light fixture, the fluorescent lamp is disposed at a non-zero angle relative to its intended axis within the fluorescent light fixture, thereby allowing the installed fluorescent lamp to have a length substantially equal to the distance between the first receptacle and the second receptacle." The recitations added to Claim 21 are similar to those previously found in dependent Claim 24, which the Examiner admitted are not disclosed by *Beach*. Therefore, amended claim 21 is believed to be novel in view of *Beach*.

The Examiner argued, however, that the previous recitations of Claim 24 represented an obvious modification of *Beach*. In particular, the Examiner argued that it would have been obvious to modify *Beach* "...by making the fluorescent lamp [] installed at an angle relative to its intended axis within the fluorescent light fixture." The Examiner argued that a skilled artisan would have been motivated to modify *Beach* in this manner "...for receiving the wireless housing to be installed within the fluorescent lamp fixture." Applicant respectfully disagrees with the Examiner's reading of *Beach* and believes that the proposed modification of *Beach* is based on hindsight gleaned from the present application.

In particular, *Beach* discloses that a wireless communications device can be contained within a housing that can be mounted within a fluorescent light fixture *in place of* a fluorescent lamp. See Abstract (emphasis added). When a full-length fluorescent tube (62) is used in the invention of *Beach*, it is mounted below the fluorescent light fixture (40) and below the wireless component housing (102) using two extension devices (52, 54). See ¶ 0033, lines 13-22, Figure 4. In an embodiment where both a wireless component housing (102) and a fluorescent bulb (108) are mounted in series within the light fixture, a half-length (i.e., 24 inch) fluorescent tube (108) is used. See ¶ 0033, lines 8-12, Figures. 7-8. No where does *Beach* disclose, teach or suggest that a wireless component and a full-length fluorescent tube can be mounted in series using an angular offset, as claimed in amended Claim 21.

Furthermore, the modification of *Beach* proposed by the Examiner to obviate former Claim 24 of the present application is not disclosed, taught or suggested by *Beach* or any other prior art of record. Rather, the Examiner's proposed modification represents a new invention, based in hindsight, of which the inventors of *Beach* were clearly not in possession. As compared to the design of the wireless component disclosed in *Beach*, the invention of amended Claim 21 provides a more space-efficient design and uses fewer components to incorporate a full-length fluorescent tube. Therefore, Applicant respectfully submits that amended Claim 21 is non-obvious in view of *Beach* and/or the other prior art of record and requests the prompt allowance of that claim.

### Dependent Claims

Claims 3-4, 6-10, and 12 depend from independent Claim 1 and Claims 22-30 depend from independent Claim 21. Accordingly, for at least the reasons discussed above with respect to their respective independent claims, dependent Claims 3-4, 6-10, 12 and 22-30 are likewise deemed to be patentable over the prior art of record. Such dependent claims also recite additional features that further define the claimed inventions over the cited prior art references. Applicant submits that the cited references do not disclose, teach or suggest integrating many of such additional features into the presently claimed inventions. Accordingly, Applicant requests separate and individual consideration of each dependent claim. Minor conforming and/or clarifying amendments have been made to several of the dependent claims. Such amendments were not made in view of the prior art.

### New Claims

#### Claims 57-62

New independent Claim 57 is distinguishable from the cited prior art. For example, Applicant submits that none of the cited prior art teaches or suggests at least the features of (1) a support tube attached to at least a portion of the housing; and (2) wherein the support tube fits over the fluorescent lamp and attaches to the housing so as to attach the housing to the fluorescent lamp. Claims 58-62 depend from independent Claim 57 and are therefore distinguishable from the cited prior art for at least the same reasons. Accordingly, Applicant respectfully requests the timely allowance of claims 57-62.

Claims 63-71 and 72-79

New independent Claims 63 and 72 are also distinguishable from the cited prior art. Specifically, Applicant submits that none of the cited prior art teaches or suggests the features of (1) a housing containing the wireless network component and including a recess channel for receiving a fluorescent lamp; and (2) a support tube attached to at least a portion of the housing above the recess channel and for fitting over the fluorescent lamp such that the housing is attached to the fluorescent lamp, wherein the fluorescent lamp can be installed within a fluorescent light fixture. Dependent Claims 64-71 and 73-79 are distinguishable from the cited prior art for at least the same reasons. Accordingly, Applicant respectfully requests the timely allowance of claims 63-79.

**Additional Prior Art**

Applicant acknowledges the additional prior art of record, but has not discussed any of those references specifically because they were not relied upon by the Examiner in forming the above-mentioned rejections.

**Conclusion**

The foregoing is submitted as a full and complete response to the Official Action mailed April 6, 2005. A check is enclosed herewith to cover the cost of the added claims and the necessary one-month extension of time fee. The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 11-0980. If there are any issues which can be resolved by telephone conference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney at (404) 572-3542.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael S. Pavento". The signature is fluid and cursive, with a long horizontal stroke at the end.

By: Michael S. Pavento  
Reg. No. 42,985

King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303  
404.572.4600